

Amendments to the Drawings:

The attached sheets of drawings include changes to Figures 1 and 2. These sheets, which include Figures 1 and 2, replace the original sheets including Figures 1 and 2. In Figures 1 and 2, previously omitted element 100 has been added.

Attachment: Replacement Sheet
Annotated Sheet Showing Changes

REMARKS

The present Amendment is in response to the Examiner's Office Action mailed August 9, 2007. By this paper, claims 15, 18, 19, and 30 are amended and no claims are added or cancelled. Claims 1-40 are now pending in view of the above amendments.

Reconsideration of the application is respectfully requested in view of the above amendments to the claims and the following remarks. For the Examiner's convenience and reference, Applicant's remarks are presented in the order in which the corresponding issues were raised in the Office Action.

Please note that the following remarks are not intended to be an exhaustive enumeration of the distinctions between any cited references and the claimed invention. Rather, the distinctions identified and discussed below are presented solely by way of example to illustrate some of the differences between the claimed invention and the cited references. In addition, Applicants request that the Examiner carefully review any references discussed below to ensure that Applicants understanding and discussion of the references, if any, is consistent with the Examiner's understanding.

I. General Considerations

Applicants note that the remarks, or a lack of remarks, set forth herein are not intended to constitute, and should not be construed as, an acquiescence, on the part of the Applicants: as to the purported teachings or prior art status of the cited references; as to the characterization of the cited references advanced by the Examiner; or as to any other assertions, allegations or characterizations made by the Examiner at any time in this case. Applicants reserve the right to challenge the purported teaching and prior art status of the cited references at any appropriate time.

In addition, the remarks herein do not constitute, nor are they intended to be, an exhaustive enumeration of the distinctions between any cited references and the claimed invention. Rather, the distinctions identified and discussed herein are presented solely by way of example. Consistent with the foregoing, the discussion herein is not intended, and should not be construed, to prejudice or foreclose contemporaneous or future consideration, by the Applicants, of additional or alternative distinctions between the claims of the present application and any references cited by the Examiner, and/or the merits of additional or alternative arguments.

II. Amended Drawings

The Examiner objects to Figures 1 and 2 on the grounds that the figures do not include reference numeral 100 as discussed on page 14, paragraph [0037] and page 16, paragraph [0041]. Applicants submit new Figures 1 and 2 which include reference numeral 100. Also enclosed is a redlined copy of Figures 1 and 2 showing the changes being made.

III. Specification

The Examiner objects to various informalities found in paragraphs [0038] and [0039] of the specification. In response, Applicants have amended these paragraphs as requested by the Office Action and respectfully request that this objection be withdrawn.

Applicants note that an amendment has been made to paragraph [0053] to update this paragraph. No new matter has been added.

The Examiner also objects to the specification as failing to provide proper antecedent basis for claims 30-40. Applicants traverse this characterization. For example, claims 30-40 as amended recite a computer program product comprising physical storage computer readable medium. Support for such claims is clearly found in pages 28-30 of the originally filed specification, particularly paragraph [0082]. Accordingly, proper antecedent basis is found in the specification and this objection should be withdrawn.

IV. Obviousness Type Double Patenting Rejection

In the Office Action, the Examiner rejects claims 6-14 and 20-40 under the judicially created doctrine of obviousness-type double patenting in view of Application Serial No. 10/764,218. Applicants submit herewith a terminal disclaimer relative to Application Serial No. 10/764,218 in order to overcome this rejection. Withdrawal of this rejection and allowance of the pending claims is respectfully requested in view of the terminal disclaimer.

V. Rejection Under 35 U.S.C. §101

The Examiner rejects claims 30-40 under 35 U.S.C. § 101 as being directed towards non-statutory subject matter. In particular, the Examiner notes that the claims are directed toward non-physical computer programs.

In response, Applicants have amended independent claim 30 to recite among other limitations “physical storage computer readable medium carrying computer executable instructions for performing the method” (Emphasis added). Support for such amendments is found at least at pages 28-30 of the originally filed specification, particularly paragraph [0082].

Accordingly, claims 30-40 as amended now claim a physical storage computer readable medium carrying computer executable instructions such as RAM, ROM, CD-ROM, and other types of physical storage media. Accordingly, these claims are now clearly directed towards a physical computer component and therefore this rejection should be withdrawn.

VI. Rejection Under 35 U.S.C. §102(e)

The Examiner rejects claims 1-40 under 35 U.S.C. § 102(e)¹ as being anticipated by *Strong* (United States Patent Publication No. 2004/0049706). Applicants respectfully note at the outset that a claim is anticipated under 35 U.S.C. § 102(a), (b), or (e) only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. Further, the identical invention must be shown in as complete detail as is contained in the claim. Finally, the elements must be arranged as required by the claim. *MPEP* § 2131. Applicants traverse the rejection of these claims for the reasons that will now be discussed.

As shown above, independent claims 1, 6, 20, and 30 as originally filed and independent claim 15 as amended all recite the limitation of a multi-communication system with a reference clock whose frequency is determined by, defined by, or based upon a plurality of different communications protocol clock frequencies. In other words, while the reference clock has a frequency that is different from the frequency of any of the communications protocol clocks, the reference clock is defined based upon the different communications protocol clocks. In this way, the reference clock frequency is tailored to the particular multi-protocol communications system wherein it will be employed.

In sharp contrast, the Examiner has not shown that *Strong*, or any other reference, either singularly or in combination, teaches the elements of independent claims 1, 6, 15, 20 (as amended), and 30. For example, as shown in Figure 3 of *Strong* and discussed in *Strong*, a master clock in a first box 300 generates a clock that is then sent to a clock adjuster of box 314,

¹ Because *Strong* is only citable under 35 U.S.C. § 102(e)], Applicants do not admit that *Strong* is in fact prior art to the claimed invention but reserve the right to swear behind *Strong* if necessary to remove it as a reference.

which in turn sends the clock signal to a box 320. Accordingly, the master box 300 generates a clock signal for all the ports of the various boxes that have been grouped into a domain. However, even though these individual ports may implement different protocols, *Strong* does not teach that the clock signal is defined based upon the different communications protocol clocks. In other words, the portions of *Strong* cited by the Office Action do not teach that the clock generated by master box 300 is based on the various communication protocol clocks being implemented by boxes 310 and 320. This is different from the claims of the present invention where the reference clock is defined by the different communication protocol clocks of the multi-protocol communication system.

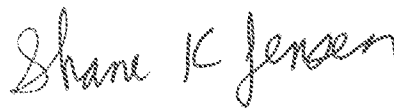
Accordingly, Applicants respectfully submit that the Examiner has not established that independent claims 1, 6, 20, and 30 as originally filed and independent claim 15 as amended are anticipated by *Strong*, at least because the Examiner has not established that *Strong* teaches each and every element of independent claims 1, 6, 20, and 30 as originally filed and independent claim 15 as amended, because the identical invention is not shown in *Strong* in as complete detail as is contained in independent claims 1, 6, 20, and 30 as originally filed and independent claim 15 as amended, and because the Examiner has not shown that *Strong* discloses the elements of independent claims 1, 6, 20, and 30 as originally filed and independent claim 15 as amended arranged as required by these claims. For at least the foregoing reasons, Applicants respectfully submit that the rejection of independent claims 1, 6, 20, and 30 as originally filed and independent claim 15 as amended should be withdrawn. For the same reasons, the rejection of dependent claims 2-5, 7-14, 16-19, 21-29 and 31-40 should be withdrawn.

CONCLUSION

In view of the foregoing, Applicants believe the claims as amended or presently pending are in allowable form and that every issue raised by the Office Action has been addressed. In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, or which may be overcome by an Examiner's Amendment, the Examiner is requested to contact the undersigned attorneys.

Dated this 9th day of January, 2008.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Eric L. Maschoff".

ERIC L. MASCHOFF
Registration No. 36,596

SHANE K. JENSEN
Registration No. 55,301
Attorneys for Applicants
Customer No. 022913
Telephone: (801) 533-9800

ELM:SKJ:ajb
W:\15436\163.1\KJN0000005063V001.doc

APPENDIX